

1 Mark A. Pals, P.C. (*pro hac vice*)  
mpals@kirkland.com  
2 Marcus E. Sernel, P.C. (*pro hac vice*)  
msernel@kirkland.com  
3 KIRKLAND & ELLIS LLP  
300 North LaSalle  
4 Chicago, IL 60654  
(312)862-2000 (o); (312)862-2200 (f)

5 Daralyn J. Durie (SBN 169825)  
ddurie@durietangri.com  
6 Mark Lemley (SBN 155830)  
mlemley@durietangri.com  
7 DURIE TANGRI LLP  
217 Leidesdorff Street  
8 San Francisco, CA 94111  
9 (415)362-6666 (o); (415)236-6300 (f)

10 Attorneys for GENENTECH, INC.

David I. Gindler (SBN 117824)  
dgindler@irell.com  
Joseph M. Lipner (SBN 155735)  
jlipner@irell.com  
IRELL & MANELLA, LLP  
1800 Avenue of the Stars  
Los Angeles, CA 90067  
(310)277-1010 (o); (310)203-7199 (f)

Attorneys for CITY OF HOPE

11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

13 CENTOCOR ORTHO BIOTECH, INC.,

14 Plaintiff,

15 v.

16 GENENTECH, INC. AND CITY OF  
HOPE,

17 Defendants.

18 GENENTECH, INC. AND CITY OF  
19 HOPE,

20 Counter-Plaintiffs

21 v.

22 CENTOCOR ORTHO BIOTECH, INC.,

23 Counter-Defendant

24 AND

25 GLOBAL PHARMACEUTICAL  
SUPPLY GROUP, LLC, CENTOCOR  
BIOLOGICS, LLC, AND JOM  
26 PHARMACEUTICAL SERVICES, INC.,

27 Third-party Defendants.  
28

Case No. CV 08-03573 MRP (CTx)

The Honorable Mariana R. Pfaelzer

**NOTICE OF MOTION IN  
SUPPORT OF GENENTECH,  
INC.'S AND CITY OF HOPE'S  
CROSS MOTION FOR  
SUMMARY ADJUDICATION**

Date: August 17, 2010

Time: TBD

Ctrm: 12

Judge: Honorable Mariana R. Pfaelzer

1 PLEASE TAKE NOTICE THAT on August 17, 2010, or as soon thereafter as  
2 the matter may be heard, before the honorable Mariana R. Pfaelzer, in Courtroom 12  
3 of the United States District Court for the Central District of California, Defendants  
4 Genentech, Inc. and City of Hope will hereby cross move for summary adjudication in  
5 this matter, that the processes used to produce ReoPro, Remicade, Simponi, and  
6 Stelara include the step of “independently expressing a first DNA sequence encoding  
7 at least the variable domain of the immunoglobulin heavy chain and a second DNA  
8 sequence encoding at least the variable domain of the immunoglobulin light chain so  
9 that said immunoglobulin heavy and light chains are produced as separate molecules  
10 in said single host cell” as recited in claim 33 of U.S. Patent No. 6,331,415.

11 This Cross Motion is based on this Notice and the accompanying briefing,  
12 Statement of Uncontroverted Facts and Conclusions of Law , and the supporting  
13 Declaration of Mark A. Pals with supporting exhibits, all filed concurrently herewith.  
14 This Cross Motion is further based upon the papers, records, and pleadings on file  
15 herein and such other matters as may be brought to the Court’s attention at the hearing  
16 on this Cross Motion. A Proposed Order is also being filed for the Court’s  
17 consideration.

1 Dated: July 27, 2010

/s/ Mark A. Pals

Mark A. Pals, P.C. (*pro hac vice*)  
mpals@kirkland.com  
Marcus E. Sernel (*pro hac vice*)  
msernel@kirkland.com  
KIRKLAND & ELLIS LLP  
300 North LaSalle Street  
Chicago, IL 60654  
Telephone: (312)862-2000  
Facsimile: (312)862-2200

Daralyn J. Durie (SBN 169825)  
ddurie@durietangri.com  
Mark Lemley (SBN 155830)  
mlemley@durietangri.com  
DURIE TANGRI LLP  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: (415)362-6666  
Facsimile: (415)236-6300

*Attorneys for Defendant/Counter-  
Plaintiff Genentech, Inc.*

/s/ David I. Gindler

David I. Gindler (SBN 117824)  
dgindler@irell.com  
Joseph M. Lipner (SBN 155735)  
jlipner@irell.com  
IRELL & MANELLA, LLP  
1800 Avenue of the Stars  
Los Angeles, CA 90067  
Telephone: (310)277-1010  
Facsimile: (310)203-7199

*Attorneys for Defendant/Counter-  
Plaintiff City of Hope*